REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8 and 10 are pending in the present application. Claims 1 and 4-8 are amended by the present amendment. Claim amendments and find support in the application as originally filed. Thus, no new matter is added.

In the Office Action, Claims 4-8 were objected to as including informalities, Claims 1-8 and 10 were rejected under 35 U.S.C. §112, second paragraph, as indefinite; and Claim 1 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter.

With respect to the objection to Claims 4-8 as including informalities, Claims 4-8 have been appropriately amended to overcome the objection. Accordingly, Applicants respectfully request that the objection to Claims 4-8 be withdrawn.

With respect to the rejection of Claims 1-8 and 10 under 35 U.S.C. §112, second paragraph as indefinite due to lack of proper antecedent basis, Applicants respectfully submit that Claims 1 and 4-8 have been amended by the present response to overcome the rejection by providing proper antecedent basis for each of the features recited therein. Accordingly, Applicants respectfully request that the rejection of Claims 1-8 and 10 under 35 U.S.C. §112, second paragraph, be withdrawn.

With respect to the rejection of Claim 1 under 35 U.S.C. §101, Applicants respectfully traverse this ground of rejection. The outstanding Office Action takes the position that the means-plus-function limitations of Claim 1 are software per se. Applicants respectfully traverse this position.

A proper analysis under 35 U.S.C. §112, sixth paragraph, requires consideration of the corresponding structure. 35 U.S.C. §112, sixth paragraph, states that claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding

structure...described in the specification and equivalents thereof." A person of ordinary skill in the art would recognize, based on the present specification, that an example of the "means" described in the specification includes the central processing unit 11 of device 1 shown in Applicants' Fig. 2, and the algorithm executed by the processor. Thus, the claimed "means" is not software per se, but includes the central processing unit and the algorithm.

In support of this position, Applicants note *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339 (Fed. Cir. 1999), where the Federal Circuit held that the time domain processing means is a microprocessor programmed to carry out the algorithm. In *WMS Gaming*, the Federal Circuit noted the statutory requirement to focus on corresponding structure.

Accordingly, in light of the above discussion, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 101 be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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